

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

FILED
ASHEVILLE, N.C.

NOV 23 2010

U.S. DISTRICT COURT
W. DIST. OF N.C.

UNITED STATES OF AMERICA,) CASE NO. 1:06CR000249
) (Financial Litigation Unit)
v.)
)
RICHARD SWANSON,)
)
and)
)
JERRY'S WELDING,)
 Garnishee.)

CONSENT ORDER OF GARNISHMENT

The parties, the United States of America, the defendant, and the garnishee, agree and stipulate as follows:

1. The defendant is Richard Swanson, Social Security Number XXX-XX-7373, whose last known address is: Douglas, Wyoming.
2. A criminal judgment was entered in Case No. 1:06CR000249 in the Western District of North Carolina against the defendant in this action where he was ordered to pay an assessment and restitution in the amount of \$47,147.22. The parties agree and stipulate that the total balance due in this case is \$38,515.38 as of November 1, 2010.
3. The garnishee has in its possession, custody or control property of the defendant in the form of wages payable to the defendant.
4. The defendant waives service of an application for writ of continuing garnishment as required by 28 U.S.C. §3205, and further waives his right to a hearing under said statute and any other process to which the defendant may be entitled under 28 U.S.C. §3205, and further waives his right to a hearing under said statute and any other process to which the defendant may be entitled

under 28 U.S.C. §3001 et. seq.

5. The garnishee waives service of an application for writ of continuing garnishment as required by 28 U.S.C. §3205, and further waves its right to answer and waives being heard in this matter and any other process to which the garnishee may be entitled under 28 U.S.C. §3001 et. seq.

6. The defendant agrees and stipulates that his wages are subject to garnishment under 28 U.S.C. §3205 and expressly agrees and stipulates that the entry of a Consent Order in Garnishment is proper.

7. The garnishee agrees and stipulates that they are prohibited from discharging the defendant/debtor from employment by reason of the fact that his earnings have been subject to garnishment from any indebtedness. See 15 U.S.C. §1674.

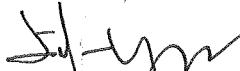
8. The parties agree and stipulate to the entry of a Consent Order of Garnishment against the nonexempt wages of the defendant. It is expressly agreed and stipulated to by the parties that the garnishee pay the plaintiff 25% of the defendant/debtor's earnings which remain after all deductions required by law have been withheld and 100% of all 1099 payments and continue said payments until the debt to the plaintiff is paid in full or until the garnishee no longer has custody, possession or control of any property belonging to the defendant or until further Order of this Court. See 15 U.S.C. §1673(a).

9. The payments should be made payable to the United States Clerk of Court and mailed to the United States Clerk of Court, 401 West Trade Street, Charlotte, North Carolina 28202.

10. The parties agree and stipulate that the plaintiff will submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment the defendant would normally receive may be offset and applied to this debt.

Respectfully submitted,

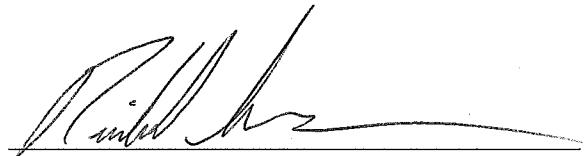
ANNE M. TOMPKINS
UNITED STATES ATTORNEY



JENNIFER A. YOUNGS
ASSISTANT UNITED STATES ATTORNEY
NCSB# 23925
227 West Trade Street, Suite 1650
Charlotte, NC 28202
(704) 344-6222

Agreed and Consented to:

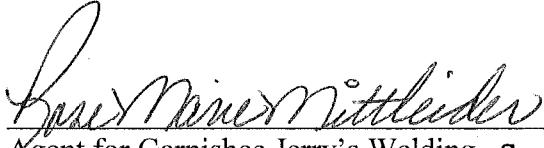
11-11-10
DATE


RICHARD SWANSON
Defendant

1138 Riverbend Drive
Douglas, Wyoming 82633

(307) 251-2659

11-11-10
DATE

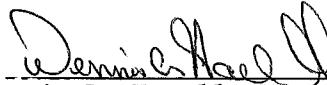

Agent for Garnishee Jerry's Welding Service, Inc.
Rose Marie Mittleider, Secretary
PO Box 868 Douglas, Wy 82633
Address, City, State, Zip

307-358-2712

307-358-8360 Fax

Telephone Number

Ordered, this the 23rd day of November, 2010.



Dennis L. Howell, U.S. Magistrate Judge
Western District of North Carolina